



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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RECEIVED

JAN 19 1995

PHILIP E. BATT  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

January 13, 1995

WATER RIGHTS  
SALT LAKE

Bob Morgan  
Utah State Engineer  
Utah Division of Water Rights  
1636 West North Temple  
Salt Lake City, UT 84116

**RE:** Potential Delivery Problems Between Waterusers in Utah and Idaho of the Waters of Clear Creek

Dear Bob:

As a result of this department's investigation of Snake River Basin Adjudication (SRBA) claims in the Clear Creek area we have been made aware of a potential delivery problem with regard to splitting of the water of Clear Creek between the waterusers of Utah and Idaho. As you may know, the methodology for splitting the water between Idaho and Utah was decreed by U.S. District Court, District of Utah, Northern Division in the case of Albion-Idaho Land Co. vs Naf Irrigation Co., et.al. dated 1/13/1937. My purpose in writing you about this matter is to inform you of the situation and to seek your comment and support in rectifying the current situation.

On August 22, 1994, department staff from our Southern Regional Office conducted field reviews in the Clear Creek area and met with Vern Kempton, watermaster for Clear Creek, and members of the Naf Irrigation Company. They confirmed that the gauging site specified in the decree located near the center of the SW $\frac{1}{4}$  of Sec. 1, Twp. 14N, Rge. 13W, S.L.M. had been washed out by flood. Mr. Kempton explained that presently the methodology for determining flow measurement specified by the decree for turning water to Idaho is compiled from measurements taken thru the delivery weirs of the Utah users further down the creek and that the methodology for determining flow measurement for turning water out of Idaho back to Utah is determined by using the Idaho weir located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 27, Twp. 16S, Rge. 27E, B.M.

Since the current measurement scheme uses measurement points relatively far downstream from the specified gauge site and does not account for the large losses associated with Clear Creek, the potential is that water may not be turned to Idaho as early as possible and is turned away from Idaho sooner than necessary. These concerns were discussed with Mr. Kempton and other members of the Naf Irrigation Co. on August 22, 1994, who were open to rectifying this situation by moving the site for making the critical measurement to a site near the old gauge site specified by the decree.

Bob Morgan  
Page 2  
January 13, 1995

I request your review of this situation and comment. Hopefully we can work together in resolving this problem before the next irrigation season.

Sincerely,

  
R. KEITH HIGGINSON  
Director

cc: Vern Kempton